

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Richard E. Stein et al.	Examiner:	George Evanisko
Serial No.:	10/749,093	Group Art Unit:	3762
Filed:	December 17, 2003	Docket No.:	279.B31US2
Customer No.:	45458	Confirmation No.:	3171
Title:	PATIENT CONTROLLED THERAPY MANAGEMENT AND DIAGNOSTIC DEVICE WITH HUMAN FACTORS INTERFACE		

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

This declaration is submitted under 37 C.F.R. § 1.131 for U.S. Patent Application Serial Number 10/749,093, to establish reduction to practice of the claimed subject matter prior to April 17, 2003, (the filing date of United States Patent Application Publication No. 2004/0210256, to Musley et al.).

I, Jay W Axelrod, declare and say as follows:

1. I am an inventor of the subject matter claimed in the above-identified U.S. Patent Application Serial Number 10/749,093, as evidenced by the declaration received on May 14, 2004.
2. The subject matter claimed in the above-identified patent application was invented while I was employed by Cardiac Pacemakers, Inc., which is now a wholly-owned subsidiary of Boston Scientific Corporation.
3. Prior to April 17, 2003, the subject matter claimed in the above-identified patent application was reduced to practice in the United States as evidenced by the signed notebook pages attached hereto as Exhibit A and the signed invention disclosure form attached hereto as Exhibit B.
4. The date of the signed notebook pages and the signed invention disclosure form, as well as other sensitive information, is redacted from the copy in Exhibit A and Exhibit B and is prior to April 17, 2003.

5. I further declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

7/22/08
Dated

JWAD
Jay W. Axelrod